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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

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2621

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/782,372

**Applicant(s)**

HANNUKSELA, MISHA

**Examiner**

CHIKAODILI E. ANYIKIRE

**Art Unit**

2621

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 October 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-10,12-25 and 27-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-10,12-25 and 27-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This application is responsive to application number (10782372) filed on February 18, 2004. Claims 1-3, 10-25, and 27-29 are pending and have been examined.

### ***Response to Arguments***

2. Applicant's arguments filed October 14, 2009 have been fully considered but they are not persuasive. Claims 1, 3-10, 12-25, and 27-29 are currently examined.

The applicant argues that Setogawa's Closed GOP can not represent the video sequence identifier of the present invention (Remarks of Oct 14, 2009, page 11 line 27 - page 12 line 3). The applicant respectfully disagrees. The argument surrounds around a video sequence identifier that associated with it each picture to identify which group the frame belongs. Setogawa teaches the Closed GOP relates to the independency of the GOP for each picture in that GOP, but also Figures 9 - 12 shows the break down of these frames in to separate GOP structures (column 9 lines 40 - 67 and column 10 lines 14 - 60).

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3-10, 12-16, 20-25, and 27-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Setogawa et al (US 5, 822, 024).

As per **claim 1**, Setogawa et al disclose a method of ordering encoded pictures, the method comprising:

forming encoded pictures in an encoder (Fig 2, Col 4 Ln 66 – Col 5 Ln 8), wherein at least one group of pictures is formed (Fig 6a, Col 7 Ln 33 – 48),

defining a picture IDENTIFICATION for each picture of the group of pictures (Fig 6a and 6c, Col 7 Ln 44-46),

transmitting said encoded pictures to a decoder (Fig 1, Col 7 Ln 1-5), and

arranging the encoded pictures in decoder order (Fig 3, 42, Col 6 Ln 31 – 63),

wherein each of said at least one group of pictures comprises a video sequence IDENTIFICATION separate from the picture IDENTIFICATION for the encoded pictures (Fig 6a, GOP Header),

wherein the video sequence IDENTIFICATION has the same value for each picture of the same group of pictures (Fig 6a-6c, GOP Header, Closed GOP; which indicates the pictures that are part of the same GOP), and

wherein the video sequence IDENTIFICATION is arranged to be used for determining which pictures belong to the same group of pictures (Fig 3, 42 and Fig 6a, Sequence Layer, Col 6 Ln 46 – Col 6 Ln 52 and Col 7 Ln 38-40).

As per **claim 3**, Setogawa et al disclose the method according to claim 1, wherein two or more groups of pictures are formed (Fig 6a), and different video

sequence IDs are defined for said two or more groups of pictures (Fig 6a Sequence layer; Col 7 Ln 40-44; the disclosure shows that there are multiple GOPs in a sequence layer and a video sequence IDENTIFICATION is provided for GOP layer).

As per **claim 4**, Setogawa et al disclose the method according to claim 3, wherein the decoding order of the pictures is determined according to the video sequence IDENTIFICATION (Fig 3, 42 and Fig 6a, Sequence Layer, Col 6 Ln 46 – Col 6 Ln 52 and Col 7 Ln 38-40).

As per **claim 5**, Setogawa et al disclose the method according to claim 3, wherein the video sequence IDs are transmitted on a video layer (Fig 6b, time code, Col 7 Ln 34 – Ln 46), and the picture IDs are transmitted a on video layer (Fig 6c, Picture Coding Type, Col 7 Ln 17 – Ln 33).

Regarding **claim 6**, arguments analogous to those presented for claim 1 are applicable to claim 6.

As per **claim 7**, Setogawa et al disclose the method according to claim 6, wherein one picture of each group of pictures is an independently decodable picture (Col 7 Ln 17 – Col 7 Ln 21) for which said identification sequence IDENTIFICATION is defined, at least one sub-sequence is formed of the pictures of the group of pictures, and that each picture of the sub-sequence has the same value of the video sequence identification sequence IDENTIFICATION as the independently decodable picture of the same group of pictures (Fig 6a-c, GOP Layer).

Regarding **claim 8**, arguments analogous to those presented for claim 1 are applicable to claim 8.

Regarding **claim 9**, arguments analogous to those presented for claim 1 are applicable to claim 9.

Regarding **claim 10**, arguments analogous to those presented for claim 1 are applicable to claim 10.

As per **claim 12**, Setogawa et al disclose a method for ordering encoded pictures comprising a first and a second encoded picture, comprising:

forming at least a first transmission unit is formed on the basis of the first encoded picture,

forming at least a second transmission unit is formed on the basis of the second encoded picture,

wherein a first identification sequence IDENTIFICATION is defined in said first transmission unit and a second sequence IDENTIFICATION is defined in said second transmission unit, wherein the first identification sequence IDENTIFICATION has the same value as the second video sequence identification sequence IDENTIFICATION when the first and the second encoded picture belong to a same group of pictures, and

wherein a first identifier is defined for said first transmission unit and a second identifier is defined for said second transmission unit, the first and second identifiers being indicative of the respective decoding order of information included in the first transmission unit and information included in the second transmission unit (Fig 6a-c, Col 6 Ln 22- Col 7 Ln 46).

As per **claim 13**, Setogawa et al discloses the method according to claim 12, wherein the identifier is defined as an integer number (Fig 6b-c, header is always an integer number).

As per **claim 14**, Setogawa et al disclose the method according to claim 13, wherein a larger integer number with wrap around indicates a later decoding order (Fig 6c, Order of Display of Images in GOP; this section of the header provides the order in which each pictures is order and further shows a numerical system for ordering the picture).

As per **claim 15**, Setogawa et al disclose the method according to claim 12, wherein said first transmission unit includes a first slice and said second transmission unit includes a second slice (Fig 6a-c, slice layers, Col 1 Ln 43-45 and Col 7 Ln 34-Ln 47)

Regarding **claim 16**, arguments analogous to those presented for claim 12 are applicable to claim 16.

Regarding **claim 20**, arguments analogous to those presented for claim 12 are applicable to claim 20.

Regarding **claim 21**, arguments analogous to those presented for claim 15 are applicable to claim 21.

Regarding **claim 22**, arguments analogous to those presented for claim 12 are applicable to claim 22.

Regarding **claim 23**, arguments analogous to those presented for claim 12 are applicable to claim 23.

Regarding **claim 24**, arguments analogous to those presented for claim 12 are applicable to claim 24.

Regarding **claim 25**, arguments analogous to those presented for claim 12 are applicable to claim 25.

Regarding **claim 27**, arguments analogous to those presented for claim 12 are applicable to claim 27.

Regarding **claim 28**, arguments analogous to those presented for claim 12 are applicable to claim 28.

Regarding **claim 29**, arguments analogous to those presented for claim 15 are applicable to claim 29.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.



7. Claims 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Setogawa et al (US 5, 822, 024) in view of Bigham et al (US 5, 677, 905).

As per **claim 17**, Setogawa et al discloses the device according to claim 16, wherein it is a communication system (Col 1 Ln 63 – Col 2 Ln 2).

However, Setogawa et al does not explicitly teach a gateway device.

In the same field of endeavor, Bigham et al disclose wherein it is a gateway device (Col 4 Ln 38-43).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to modify image coding apparatus of Setogawa et al with the gateway device of Bigham et al because it will support a wide range of signaling protocols to control the disparate functions of all the components necessary to set up each session connection through the network.

As per **claim 19**, Setogawa et al discloses the device according to claim 16, wherein it is a communication system (Col 1 Ln 63 – Col 2 Ln 2).

However, Setogawa et al does not explicitly teach a streaming server.

In the same field of endeavor, Bigham et al teaches wherein it is a streaming server (Col 9 Ln 10-25).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to modify image coding apparatus of Setogawa et al with the streaming server of Bigham et al because it will provide the capability of transmitting multimedia interactively.

8. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Setogawa et al (US 5, 822, 024) in view of Watkins (US 2004/0039796).

As per **claim 18**, Setogawa et al discloses the device according to claim 16, wherein it is a communication device (Col 1 Ln 63 – Col 2 Ln 2).

However, Setogawa et al does not explicitly teach a mobile communication device.

In the same field of endeavor, Watkins et al teaches wherein it is a mobile communication device ([0018]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to modify image coding apparatus of Setogawa et al with the mobile communication device of Watkins because it will provide the capability carry and operate the device in different locations.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHIKAODILI E. ANYIKIRE whose telephone number is (571)270-1445. The examiner can normally be reached on Monday to Friday, 7:30 am to 5 pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on (571) 272 - 7905. The fax

phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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